Docket for 02-1028

(30)

No. 02-1028
Title: Norfolk Southern Railway Company, Petitioner
v.
James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Insurance Limited
Docketed: January 8, 2003
Lower Ct: United States Court of Appeals for the Eleventh Circuit
Case Nos.: (01-13776)
Decision Date: August 8, 2002
Rehearing Denied: October 7, 2002
Questions Presented

~~Date~~	~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~
Jan 6 2003	Petition for writ of certiorari filed. (Response due February 7, 2003)
Feb 4 2003	Waiver of right of respondents James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited to respond filed.
Feb 4 2003	Consent to the filing of amici briefs in support of either party or neither party received from counsel for the respondents, Kirby and MMI General Insurance.
Feb 4 2003	Consent to the filing of amicus briefs in support of either party received from counsel for the petitioner.
Feb 4 2003	DISTRIBUTED for Conference of February 21, 2003.
Feb 6 2003	Brief amicus curiae of Association of American Rairoads filed.
Feb 7 2003	Brief amicus curiae of Transportation Loss Prevention and Security Association filed.
Feb 19 2003	Response Requested . (Due March 21, 2003)
Mar 21 2003	Response to petition from respondents James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited filed.
Apr 1 2003	Reply of petitioner Norfolk Southern Railway Company filed.
Apr 2 2003	REDISTRIBUTED for Conference of April 18, 2003.
Apr 21 2003	The Solicitor General is invited to file a brief in this case expressing the views of the United States.
Nov 14 2003	Brief amicus curiae of United States filed.
Dec 10 2003	Supplemental brief of respondents James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited filed.
Dec 10 2003	DISTRIBUTED for Conference of January 9, 2004.
Dec 15 2003	Supplemental brief of petitioner Norfolk Southern Railway Company filed. (Distributed)
Jan 9 2004	Petition GRANTED.
Jan 12 2004	Consent to the filing of amicus briefs in support of either party or neither party received from counsel for respondents, Kirby and MMI General Insurance.
Feb 5 2004	Consent to the filing of amicus briefs in support of either party received from counsel for the petitioner.
Feb 13 2004	Extension of time within which to file the joint appendix and petitioner's brief on the merits to and including March 24, 2004.
Feb 13 2004	Extension of time within which to file respondent's brief on the merits to and including May 28, 2004.
Mar 22 2004	Brief amici curiae of American Steamship Owners Mutual Protection and Indemnity

	Association, Inc., et al. filed.
Mar 24 2004	Brief amicus curiae of United States filed.
Mar 24 2004	Joint appendix filed.
Mar 24 2004	Brief of petitioner Norfolk Southern Railway Company filed.
Mar 24 2004	Brief amicus curiae of National Association of Waterfront Employers filed.
Mar 24 2004	Brief amicus curiae of World Shipping Council filed.
Mar 24 2004	Brief amicus curiae of Transportation Loss Prevention and Security Association filed.
Mar 24 2004	Brief amicus curiae of Association of American Railroads filed.
Mar 24 2004	Brief amicus curiae of Air Transport Association of America, Inc. filed.
May 28 2004	Brief of respondents James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited filed.
May 28 2004	Brief amicus curiae of Jan Ramberg filed.
May 28 2004	Brief amici curiae of Professors Francesco Berlingieri (Italy), et al. filed.
May 28 2004	Brief amicus curiae of Public Citizen, Inc. filed.
May 28 2004	Brief amici curiae of American Institute of Marine Underwriters, et al. filed.
May 28 2004	Brief amicus curiae of Transportation Intermediaries Association filed.
May 28 2004	Brief amicus curiae of Professor Martin Davies filed.
May 28 2004	Brief amici curiae of National Industrial Transportation League, et al. filed.
May 28 2004	Brief amicus curiae of International Cargo Loss Prevention, Inc. filed.
Jun 9 2004	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed.
Jun 28 2004	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Jul 2 2004	Reply of petitioner Norfolk Southern Railway Company filed.
Jul 23 2004	CIRCULATED.
Aug 10 2004	Record received from U.S.D.C.- Northern District of Georgia. (1 box)
Aug 17 2004	Record received from U.S.C.A. - 11th Circuit. (1 envelope)
Aug 24 2004	SET FOR ARGUMENT Wednesday, October 6, 2004.
Sep 24 2004	The parties are directed to file supplemental briefs addressing the following question: "Does federal or state substantive law govern the questions presented?" The Acting Solicitor General is invited to file an amicus brief on the same question. Briefs are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, October 4, 2004. Twenty copies of the briefs prepared under Rule 33.2 may be filed initially in order to meet the October 4 filing date. Forty copies of the briefs prepared under Rule 33.1 are to be filed as soon as possible thereafter.
Oct 4 2004	Supplemental brief of petitioner Norfolk Southern Railway Company filed. (Distributed)
Oct 4 2004	Supplemental brief of respondents James N. Kirby, Pty Ltd., dba Kirby Engineering, and Allianz Australia Limited filed. (Distributed) TBP
Oct 4 2004	Supplemental brief of United States filed. (Distributed)
Oct 6 2004	Argued. For petitioner: Carter G. Phillips, Washington, D.C.; and on behalf of the United States, as amicus curiae, Thomas G. Hungar, Deputy Solicitor General, Department of Justice, Washington, D.C. For respondents: David C. Frederick, Washington, D.C.